

REMARKS

The status of the claims is given above.

Claim 1

Claim 1 claims a system for enabling use of a computer terminal in a network to access or otherwise participate in at least one network-related function and voice communication over the network. The system includes means responsive to the authenticating means that enable (a) the computer terminal in the network to access or otherwise participate in the performance of at least one network-related function and (b) voice communication over the network at least from each computer terminal for which a sensed finger-image was authenticated.

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over US Pat. No. 6,493,437 (“Olshansky”), US Published Pat. App. 2003/0081752 (“Trandal et al.”) and US Published Pat. App. 2002/0174345 (“Patel”).

Olshansky discloses a system which enables a single function in response to authentication of a person seeking access to the function. In Olshansky, that function is telephone service. In response to authentication of a subscriber, the subscriber is given access to the VoIP service provider’s VoIP telephone service. There is no other network-related function involved. In Olshansky, generating a bill (bill generation unit 124) is incidental to a telephone call made using the VoIP service provider’s telephone service and is generated by the VOIP service provider and provided to the subscriber via a display on the calling party’s terminal (or the called party’s terminal for a collect call), email, fax or mail. Providing a calling or called party with billing information is not enablement of a computer terminal in a network to access or otherwise participate in the performance of at least one network-related function. The same applies to a duration alarm, and to advertisements pushed by the VoIP service provider to

subscribers or called parties. Again, the only service provided by the VoIP service provider in Olshansky is telephone service, and incidental thereto, billing information, duration alarms, and advertisements for subsidizing calls, etc.

A specific example is described in Olshansky (starting at col. 4, line 32) with respect to the graphical user interface depicted in Fig. 3. That graphical user interface, in the form of a web page, includes a URL entry slot 305, a graphical telephone interface 310, and an advertising section 350. A subscriber, wanting to make a telephone call, establishes a connection with a VoIP service provider (e.g., VoIP service provider 120) by entering the URL for the service provider at a calling party terminal 130. In response, the VoIP service provider 120 initiates an authorization operation with the subscriber. If the authorization operation is successful, the service provider permits the subscriber to use its telephone service and displays the graphical user interface depicted in Fig. 3.

Using the keypad 324 of the graphical user interface, the subscriber dials the telephone number of a called party and the VoIP service provider 120 establishes the call. The VoIP service provider's accounting unit 123 tracks the duration of the call and pushes an advertisement to the subscriber's terminal 130 and to the called party's terminal if the called party accepts advertisements.

The graphical telephone interface 310 thus facilitates the making and receiving of telephone calls, and the providing of accounting information and advertisements to subscribers in connection with telephone service. The graphical telephone interface 310 includes a display 312, a set of functional buttons 314-320, a set of memory keys 322, a keypad 324, and a billing information button 326. The display 312 provides the subscriber with information provided by the VoIP service provider such as the date and the time, called party information, and caller ID

information. The functional buttons 314-320 provide typical telephone functionality such as pick-up, hang up, redial, and memory for storing telephone numbers.

Billing information may be provided by the VoIP service provider to a subscriber through a pop-up window opened by clicking the billing information button 326. Such information includes origination time, current time, present duration of call, and the present cost of a call, and a monthly bill or a bill showing incurred charges, or free minutes used, for any period selected by the subscriber. The billing information button 326 can incorporate other features such as a duration alarm.

As the summary above demonstrates, the VoIP service provider provides a subscriber with access to a single function – telephone service. In connection with telephone service, the VoIP service provider also provides billing information and time alarms, and pushes advertisements to subscribers and called parties. The telephone service is provided to a computer terminal that already has access to the Internet, and the VoIP service provider provides access to telephone service over the subscriber's existing Internet connection.

In claim 1, the system enables use of a computer terminal in a network to access or otherwise participate in at least one network-related function and voice communication over the network. The application identifies information delivery and trading of financial interests as examples of network-related functions. (See page 13, lines 3-16 and page 14, lines 9-15.) The application also discusses incidental services to voice communication such as voice mail and conference calls, and functions incidental to calls such as pick-up and termination of calls and signaling when a party is called. (See page 16, line 19 to page 18, line 18.) Such services and functions are incidental to voice communication, just as billing and advertising are incidental to the subsidized call described in Olshansky, and such incidental services and functions are not

considered in the application as the “at least one network-related function” recited in claim 1.

In summary, Olshansky describes a system that, after an authorization operation, provides VoIP telephone calls subsidized by advertising, and not also “at least one network-related function” as claimed in claim 1.

Trandal et al. relates to telephony, and in Patel, authentication of a user allows that user to gain access to a system, which in some embodiments is via a telephone and in others via a computer. Thus, neither Trandal et al. nor Patel provides the disclosure missing from Olshansky of a system that enables use of a computer terminal in a network to access or otherwise participate in *both* at least one network-related function and voice communication over the network in response to a means for electronically authenticating a finger-image sensed by a finger-image sensor, as claimed in claim 1.

Therefore, it is submitted that claim 1 is allowable over Olshansky, Trandal et al. and Patel.

Claim 3

Claim 3, like claim 1, was rejected under 35 U.S.C. § 103(a) as being unpatentable over Olshansky, Trandal et al. and Patel, and claim 3, like claim 1, claims a system for enabling use of a computer terminal in a network to access or otherwise participate in at least one network-related function and voice communication between computer terminals in the network, where the system includes means responsive to the authenticating means for enabling the computer terminal for which a sensed finger-image was authenticated to access or otherwise participate in the performance of at least one network-related function and voice communications over the network.

Therefore, it is submitted that claim 3 is allowable for at least the reasons advanced above

for the allowability of claim 1.

Claim 9

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Olshansky, Trandal et al., Patel and US Published Pat. App. 2002/0122415 (“Chang et al.”).

Claim 9 claims apparatus for voice communication over a network through a computer terminal and for biometric identification that comprises means associated with at least one of the computer terminal and the network responsive to authenticating means for enabling the computer terminal in the network to participate in voice communication over the network at least from each computer terminal for which a sensed finger-image was authenticated, i.e., “from each computer terminal for which a sensed finger-image was authenticated.” Olshansky, Trandal et al. Patel and Chang do not disclose means that enable one computer terminal in a network that has been authenticated to participate in voice communication over the network with another terminal that also has been authenticated. These references are not concerned with whether a called party has been authenticated and do not disclose authentication of a called party.

Therefore, it is submitted that claim 9 is allowable.

Dependent Claims

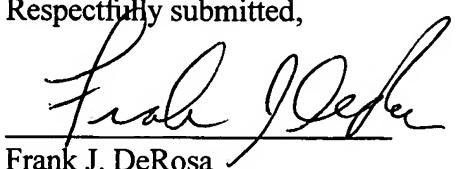
Claims 2, 4-8 and 10-12 depend, directly or ultimately, from independent claims 1, 3 and 9, respectively, and incorporate all of the limitations of the respective independent claim. Therefore, it is submitted that the dependent claims are allowable at least for the reasons advanced for allowance the respective independent claim.

Closing

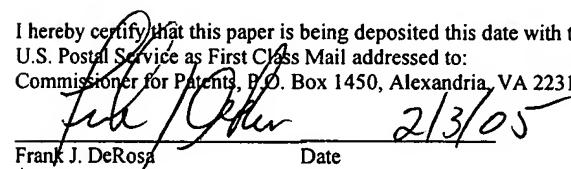
It is submitted that the application is in condition for allowance. Early reconsideration and allowance of the application with claims 1-12 are respectfully requested.

Respectfully submitted,

Dated: 2/3/05


Frank J. DeRosa
Reg. No. 26543
BROWN RAYSMAN MILLSTEIN
FELDER & STEINER LLP
900 Third Avenue
New York, New York 10022
(212) 895-2000

I hereby certify that this paper is being deposited this date with the
U.S. Postal Service as First Class Mail addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Frank J. DeRosa

Date
2/3/05